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## NOTICE OF ALLOWANCE AND FEE(S) DUE

140

7590

12/09/2009

LADAS & PARRY LLP  
26 WEST 61ST STREET  
NEW YORK, NY 10023

EXAMINER

KNABLE, GIFFORD &amp; L.

ART UNIT

PAPER NUMBER

1791

DATE MAILED: 12/09/2009

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|---------------------|------------------|
| 10/565,174      | 06/07/2006  | Matthaus Jacobus Kaagman | U 016103-4          | 7243             |

TITLE OF INVENTION: TREAD APPLICATION DEVICE

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO           | \$1510        | \$300               | \$0                  | \$1810           | 03/09/2010 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
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**or Fax** **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

140 7590 12/09/2009

**LADAS & PARRY LLP**  
**26 WEST 61ST STREET**  
**NEW YORK, NY 10023**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

|                    |
|--------------------|
| (Depositor's name) |
| (Signature)        |
| (Date)             |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/565,174 06/07/2006

Matheus Jacobus Kaagman

U 016103-4

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TITLE OF INVENTION: TREAD APPLICATION DEVICE

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| EXAMINER           | ART UNIT | CLASS-SUBCLASS |
|--------------------|----------|----------------|
| KNABLE, GEOFFREY L | 1791     | I56-110100     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2  
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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| LADAS & PARRY LLP<br>26 WEST 61ST STREET<br>NEW YORK, NY 10023 |             |                         | KNABLE, GEOFFREY L. |                  |
|                                                                |             |                         | ART UNIT            | PAPER NUMBER     |

1791  
DATE MAILED: 12/09/2009

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 680 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 680 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/565,174

**Applicant(s)**

KAAGMAN ET AL

**Examiner**

Geoffrey L. Knable

**Art Unit**

1791

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 9/17/2009.
2. ☒ The allowed claim(s) is/are 14-16, 18-20 and 26.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Geoffrey L. Knable/  
Primary Examiner, Art Unit 1791

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Clifford J. Mass on December 3, 2009.

The application has been amended as follows:

In the abstract:

The abstract has been amended as follows:

**Abstract:**

The invention relates to a tread (1) application device for applying a tread on a building drum (20) for a tyre, comprising a tread conveying device (15) for conveying a tread to a building drum, from a feed side (12) of the tread conveying device to a discharge side (13) of the tread conveying device in a conveyance direction, and a positioning device (44) for positioning the tread on the building drum, wherein the positioning device comprises measuring means (17) for determining the position of a segment of the tread and generating a position value, displacement means for displacing a segment of the tread with a displacement directional component parallel to the axis (21) of rotation of the building drum, and control means (28), connected to the measuring means and the displacement means, for on the basis of the position value

controlling the displacement device during the application of the tread on the building drum.

In the claims:

Claim 26 has been amended as follows:

26. (Currently Amended) Tread application system comprising:

a building drum for building a tire, and driving means for driving the building drum, said building drum having an axis of rotation,

a tread application device for applying a tread segment on the building drum, comprising:

a tread conveying ~~device~~ device for conveying the tread to the building drum, from a feed side of the tread conveying device to a discharge side of the tread conveying device in a conveyance direction, comprising a main conveyor belt extending from the feed side to the discharge side in the conveyance direction, and a first feed auxiliary conveyor belt and a second feed auxiliary conveyor belt on opposite sides of the main conveyor belt, and a first discharge auxiliary conveyor belt and a second discharge auxiliary conveyor belt, each feed auxiliary conveyor belt extending from the feed side in the conveyance direction, each discharge auxiliary conveyor belt ~~extending~~ extending in the conveyance direction towards the discharge side, the first feed auxiliary conveyor belt and the first discharge auxiliary conveyor belt extending in the conveyance direction in line with each other, are connected to each other by means of a

toothed belt and are positioned at a short distance from each other for forming a first slit-shaped opening between the first feed auxiliary conveyor belt and the first discharge auxiliary conveyor belt, the second feed auxiliary conveyor belt and the second discharge auxiliary conveyor belt extending in the conveyance direction in line with each other, are connected to each other by means of a toothed belt and are positioned at a short distance from each other for forming a second slit-shaped opening between the second feed auxiliary conveyor belt and the second discharge auxiliary conveyor belt so that on both sides of the main conveyor belt a measuring slit is formed, wherein the main conveyor belt and both feed auxiliary conveyor belts share a common feed bearing roller and driving means, wherein the main conveyor belt and both discharge auxiliary conveyor belts share a common bearing roller, ~~and measuring means above or below the measuring slit, said measuring means being positioned at the feed side for determining the position of a segment of the tread and generating data indicating a position value,~~ and driving means for the tread conveying means device, and displacement means for displacing the tread conveying means;

a positioning device for positioning the tread on the building drum, wherein the positioning device comprises measuring means above or below the measuring slit, said measuring means being positioned at the feed side for determining the position of a segment of the tread and generating data indicating a position value, displacement means for displacing the tread conveying device, said displacement means being adapted for displacing the segment of the tread with a displacement directional component parallel to the axis of rotation of the building drum, and a computer provided

with a memory and software and connection means for receiving data from the measuring means and for transmitting orders and data to the driving unit means of the building drum, the driving means for the tread conveying ~~means, device, and~~ the displacement means for displacing the conveying ~~means device, the computer~~ ~~controlling the driving means such that speeds of the main conveyor belt and all the auxiliary conveyor belts are equal, and~~  
~~—— a positioning device for positioning the tread on the building drum, wherein the positioning device is connectable to the computer for receiving orders and data therefrom, said displacement means are adapted for displacing the segment of the tread with a displacement directional component parallel to the axis of rotation of the building drum, said computer, on the basis of the position value, controlling the displacement means during the application of the segment of the tread on the building drum.~~

Summary of above-noted December 3, 2009 Interview (Examiner-Initiated Interview):

Agreement was reached on the above-noted changes to claim 26 and the abstract to place this application into condition for allowance. The changes were proposed by the examiner by a facsimile sent to applicant's representative which included the following comments: "In response to your 9/17/2009 amendment, I would agree that the claims as amended would be substantively allowable over the closest prior art but new claim 26 creates several new ambiguities that I am proposing additional amendments to help avoid. In particular, claim 26 redefined the "positioning device" in a manner that was not



consistent with the original disclosure and claims. In particular, the amended claim 26 defines the "positioning device" as a device that is in addition to the measuring means, displacement means, computer (control means) rather than being the overall device that includes each of these as components – e.g. note the abstract and original claim 12. The proposed amendments to claim 26 are intended to bring the claims into better correspondence with the original disclosure by essentially reordering the current language in a manner that the "positioning device" is defined as comprising each of the measuring means, displacement means and the computer. The proposed amendment also deletes the present reference to "the computer controlling the driving means such that speeds of the main conveyor belt and all the auxiliary conveyor belts are equal" to avoid a potential lack of description/new matter issue as it does not appear from the original disclosure that the computer is actually effecting the control that equalizes these speeds – rather, this function is provided by the toothed belts, and the common bearing rollers and driving means. Several other amendments are included which correct spelling errors and provide consistent use of "means" or "device" throughout the claim. The proposed deletion of reference numeral "14" from the abstract is to avoid an ambiguity because the rest of the disclosure describes element "14" as "pressing rollers," not the "positioning device".

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/  
Primary Examiner, Art Unit 1791

G. Knable  
December 3, 2009